103. (New) The recombinant host cell of claim 102 wherein the nucleic acid molecule is operably associated with a heterologous regulatory sequence that controls gene expression.

104. (New) A method for producing a polypeptide, comprising:

(a) culturing a host cell under conditions suitable to produce a polypeptide encoded by the nucleic acid of claim 96; and

(b) recovering the polypeptide from the cell culture.

105. (New) A composition comprising the nucleic acid of claim 96 and a pharmaceutically acceptable.--

REMARKS

I. Amendments

The specification was amended to correct obvious typographical errors with respect to the address of the ATCC and the correction of the NaCl and trisodium citrate concentrations for 5xSSC disclosed on page 11, lines 30-31 of the specification. An amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of the error in the specification, but also the appropriate correction. *See*, M.P.E.P. § 2163.07. Here, the recognition of the typographical errors, along with the correction of the errors in the specification and claims and in the ingredient amounts listed for 5x SSC is obvious to one skilled in the art; therefore, the correction does not constitute new matter.

5x SSC is a component of many hybridization solutions and is well known in the art. (*See*, e.g., Exhibit A, CURRENT PROTOCOLS IN MOLECULAR BIOLOGY, John Wiley and Sons, N.Y., at page 2.10.7 (1989).) SSC is normally made as a 20x stock solution, and then diluted accordingly for a particular use. Exhibit B shows that a 20x SSC stock solution contains 3 M NaCl and 0.3 M trisodium citrate. (*See*, e.g., Exhibit B, CURRENT PROTOCOLS, at page A.2.5.) To make a 5x SSC solution, the 20x solution must be diluted by a factor of four. Therefore, a 5x SSC solution contains 750 mM NaCl (3 M ÷ 4 = 750 mM) and 75 mM trisodium citrate (0.3 M ÷ 4 = 75 mM). One skilled in the art would have immediately recognized that the amount of ingredients listed in the specification for a 5x SSC solution was incorrect. Rather than describing a 5x SSC solution, made up of 750 mM NaCl and 75 mM trisodium citrate, the specification inaccurately listed the ingredient amounts for a 1x solution. The skilled artisan, in recognizing the typographical error, could have easily adjusted the amount of ingredients described in the specification to properly make a 5x SSC solution.

Therefore, because no new matter will be added to the specification if these typographical errors are corrected, Applicants respectfully request that the amendments to the specification to recite the correct concentrations of sodium chloride and sodium citrate in 5x SSC be entered.

Claims 1-28 have been canceled and claims 29-105 have been added. Accordingly, claims 29-105 are currently pending. Support for the newly added claims is found throughout the specification as originally filed.

In particular, support for claims 44-74 can be found in the specification, for example, at page 4, lines 35-36; page 29, lines 5-9 and page 28, lines 10-16. Support for claims 29-43 and 96-105 can also be found, for example, in the above locations, as well as at page 23. Moreover, support for claims 96-105 can be found, for example, at the above locations, as well as at page 7, line 31 to page 8, line 11. Finally, support for claims 75-95 can be found, for example, at the above locations, as well as in the paragraph spanning pages 10 to 11.

Accordingly, no new matter has been added.

III. The Restriction Requirement.

The Examiner has required an election under 35 U.S.C. § 121 of one of Groups I-VI. In response, Applicants provisionally elect, *with traverse*, Group I represented by originally filed claims 1 to 15 and newly added claims 29-105 for further prosecution. Applicants reserve the right to file one or more divisional applications directed to cancelled claims or non-elected inventions, should the restriction requirement be made final.

Applicants respectfully traverse the restriction requirement as it applies to Groups I-VI. As the Examiner points out, polynucleotides, polypeptides, and antibodies are patentably distinct inventions. However, even where two patentably distinct inventions appear in a single application, restriction remains improper unless it can be shown that the search and examination of both groups would entail a "serious burden". *See*, M.P.E.P. § 803. In the present situation, no such showing has been made. Indeed, no arguments have been made explaining why it would impose an undue burden to examine Groups I-VI together.

Applicants submit that a search of the polynucleotide claims would provide useful information for Groups II, III, IV, V and VI. For example, in many if not most publications, where a published nucleotide sequence contains an open reading frame, the authors also routinely include polypeptides and antibodies. Thus, the searches for polynucleotides, polypeptides, antibodies and methods employing such polynucletides and polypeptides commonly overlap. Thus, the search and examination of a polynucleotide, its corresponding deduced polypeptide sequence, and corresponding antibodies would not entail a serious burden. Thus, the searches for Groups I-VI would be overlapping.

Accordingly, as applied to Groups I-VI, the restriction requirement should be withdrawn.

IV. Conclusion.

Applicants respectfully request that the above-made amendments and remarks be entered and made of record in the file history of the instant application. Applicants believe that this application is in condition for substantive examination. If in the opinion of the Examiner, a telephone conference would expedite prosecution, the undersigned can be reached at the telephone number indicated below.

If there are any fees due in connection with the filing of this paper, please charge the fees to Deposit Account No. 08-3425.

Respectfully submitted,

Dated: 12-7-99

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